

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Efrain V. Perez,
Plaintiff

v.

Civil No. 04-cv-99-SM

Hillsborough County
Department of Corrections, et al.,
Defendants

O R D E R

Granted. Pro se plaintiff has failed in his continuing duty to keep the clerk advised of his current address and so has forfeited his right to notice (L.R. 83.6(e)). He has also failed to respond to discovery requests and enforcement motions, and has failed to file pretrial materials. When advised that plaintiff was not in communication with defendants' counsel, the court instructed the clerk to call the Hillsborough County House of Corrections, which advised that plaintiff had been released on October 30, 2006. Defense counsel state that while pleadings were sent to plaintiff at the address he left with the House of Corrections, and were not returned, still, plaintiff has not responded. Given plaintiff's failure to communicate, keep his address updated, and to file pretrial materials, the court cancelled the January 29th pretrial conference, and continued the

trial scheduled to begin on February 7, 2007. On January 29, though he had no notice of the cancellation, plaintiff still failed to appear. Accordingly, this case is dismissed for failure to prosecute. Fed. R. Civ. P 41(b).

SO ORDERED.


Steven J. McAuliffe
Chief Judge

April 4, 2007

cc: Carolyn M. Kirby, Esq.
John A. Curran, Esq.